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RESEARCH IN MOTION  
ATTN: GLENDA WOLFE  
BUILDING 6, BRAZOS EAST, SUITE 100  
5000 RIVERSIDE DRIVE  
IRVING TX 75039

**COPY MAILED**

SEP 15 2008

In re Application of :  
Yach, et al. :  
Application No. 10/776,006 : DECISION ON PETITION  
Filed: 12 October, 2004 :  
Attorney Docket No. 1578.120 (11428-5-US- :  
PAT) :

This is a decision on the petition filed under 37 C.F.R. §1.78(a)(5) on 25 June, 2007, and considered under 37 C.F.R. §1.55(c), to accept an unintentionally delayed claim under 35 U.S.C. §119(a)-(d) for the benefit of priority to foreign European Patent Application No. 04250705.3, filed on 10 February, 2004.

The petition is **GRANTED**.

This pending nonprovisional application was filed after November 29, 2000, and did not include a reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Since the claim for priority is submitted after the period specified in 37 C.F.R. §1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 C.F.R. §1.55(c).

A petition under 37 C.F.R. §1.55(c) to accept an unintentionally delayed claim for priority requires:

- (1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
- (2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number,

country, and the filing date and be included either in an oath or declaration (37 C.F.R. §1.63(c)(2)) or in an Application Data Sheet (37 C.F.R. §1.76(b)(6);

- (3) the surcharge as set forth in 37 C.F.R. §1.17(t);
- (4) a statement that the entire delay between the date the claim was due under 37 C.F.R. 1.55(a)(1) and the date the claim was filed was unintentional (the Director may require additional information where there is a question whether the delay was unintentional); and
- (5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

This application was filed on 12 October, 2004, which is after November 29, 2000 and within 12 months of 10 February, 2004 (the filing date of the foreign application to which benefit is now being claimed). On 25 June, 2007, a signed application data sheet (ADS) was received which identifies the foreign application for which priority is claimed by application number, country and filing date. The required petition fee of \$1,370.00 was received with the petition. Lastly, petitioner has provided an adequate statement of unintentional delay.


All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. §119(a)-(d) is accepted as being unintentionally delayed.

**The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 C.F.R. §1.55(c) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(a)-(d) and 37 C.F.R. §1.55(a)(1) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.**

A corrected Filing Receipt, which includes the priority claim to the prior-filed foreign application, accompanies this decision on petition.

This application is being referred to Technology Center AU 2161 for further processing examination in due course and for consideration by the examiner of record of the foreign priority claim under 35 U.S.C. §119(a)-(d).

Any inquiries directly pertaining to this matter may be directed to John J. Gillon, Jr., attorney, at (571) 272-3214.



Anthony Knight  
Supervisor  
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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| APPLICATION<br>NUMBER | FILING or<br>371(c) DATE | GRP ART<br>UNIT | FIL FEE REC'D | ATTY. DOCKET NO           | TOT CLAIMS | IND CLAIMS |
|-----------------------|--------------------------|-----------------|---------------|---------------------------|------------|------------|
| 10/776,006            | 10/12/2004               | 2161            | 920           | 1578.120 (11428-5-US-PAT) | 20         | 2          |

CONFIRMATION NO. 9101

CORRECTED FILING RECEIPT



54120  
RESEARCH IN MOTION  
ATTN: GLENDA WOLFE  
BUILDING 6, BRAZOS EAST, SUITE 100  
5000 RIVERSIDE DRIVE  
IRVING, TX 75039

Date Mailed: 09/15/2008

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

**Applicant(s)**

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**Power of Attorney:**

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**Domestic Priority data as claimed by applicant**

**Foreign Applications**

EUROPEAN PATENT OFFICE (EPO) 04250705.3 02/10/2004

**If Required, Foreign Filing License Granted: 10/25/2004**

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/776,006**

**Projected Publication Date:** Not Applicable

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

Apparatus, and associated method, for facilitating determination of synchronization status of database copies connected by way of a radio air interface of a radio communication system

**Preliminary Class**

707

## **PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER**  
**Title 35, United States Code, Section 184**  
**Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).